

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Oct 01, 2021**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ASHLEY D.,<sup>1</sup>

Plaintiff,

v.

KILOLO KIJAKAZI, Acting  
Commissioner of Social Security,<sup>2</sup>

Defendant.

No. 4:20-cv-5215-EFS

**ORDER GRANTING THE PARTIES'  
STIPULATED MOTION FOR  
REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C.  
§ 405(g)**

On September 7, 2021, the parties filed a Stipulated Motion for Remand. ECF No. 23. The parties agree that the matter should be reversed and remanded to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings as set forth below. The parties also

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<sup>1</sup> To protect the privacy of the social-security Plaintiff, the Court refers to her by first name and last initial or by "Plaintiff." See LCivR 5.2(c).

<sup>2</sup> On July 9, 2021, Ms. Kijakazi became the Acting Commissioner of Social Security. She is therefore substituted for Andrew Saul as Defendant. Fed. R. Civ. P. 25(d); 42 U.S.C. § 405(g).

1 agree that Plaintiff is entitled to reasonable attorney fees and costs under the  
2 Equal Access to Justice Act, 28 U.S.C. § 2412(d), upon proper request to the Court.

3 Consistent with the parties' agreement, **IT IS HEREBY ORDERED:**

4 1. The parties' Stipulated Motion for Remand, **ECF No. 23**, is  
5 **GRANTED.**

6 2. The case caption is to be **AMENDED** consistent with footnote 2.

7 3. Judgment shall be entered for **Plaintiff**.

8 4. This matter is **REVERSED** and **REMANDED** to the Commissioner  
9 of Social Security for further administrative proceedings pursuant to  
10 sentence four of 42 U.S.C. § 405(g). On remand, the Appeals Council  
11 is to instruct the ALJ to offer Plaintiff the opportunity for a hearing  
12 and take the following action to complete the administrative record:

- 13 • further evaluate the medical evidence, including the opinions of  
14 Dr. Marks and Dr. Rubin
- 15 • reassess Plaintiff's residual functional capacity and subjective  
16 complaints
- 17 • proceed to steps four and five, and
- 18 • if necessary, obtain vocational evidence.

19 The ALJ is to then issue a new decision.

20 5. All other pending motions are **DENIED AS MOOT.**

21 6. All hearings and other deadlines are **STRICKEN.**

